

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

TANNER CROOK

PLAINTIFF

V.

CASE NO. 3:19-CV-03039

**NURSE JODY WOODS, Boone County
Jail; and JOHN DOE DEFENDANTS,
All Jailers besides Sergeants and Captains**

DEFENDANTS

OPINION AND ORDER

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se*. This action was transferred to this Court by the Eastern District of Arkansas pursuant to an order entered on June 12, 2019. At the time the Complaint was filed, Plaintiff was incarcerated in the Boone County Detention Center ("BCDC").

By Order (Doc. 6) entered on June 17, 2019, Plaintiff was directed to file an amended complaint and a completed *in forma pauperis* ("IFP") application. The documents were to be filed by July 8, 2019. Plaintiff was advised that failure to comply with the Order "shall result" in the dismissal of the case.

To date, Plaintiff has not filed an amended complaint or IFP application. Plaintiff has not sought an extension of time to comply with the Order. On June 24, 2019, mail was returned as undeliverable with a notation that the Plaintiff was no longer at the BCDC. A month has passed, and Plaintiff has not submitted a change of address to the Court or contacted the Court in any way. The last document filed by the Plaintiff was the Complaint filed on June 3, 2019.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with an order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)

(stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on "the plaintiff's failure to comply with *any* court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added). Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case, and to prosecute or defend the action diligently.

Therefore, pursuant to Rule 41(b), this Complaint should be and hereby is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff's failure to prosecute this case, his failure to obey the order of the Court, and his failure to comply with Local Rule 5.5(c)(2). Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 13th day of August, 2019.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE